



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,052	02/19/2004	Margaret Goodwin	MS1-1813US	5747
22801	7590	08/18/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LU, KUEN S	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/782,052	GOODWIN ET AL.	
	Examiner	Art Unit	
	Kuen S. Lu	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/19/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>June 4, 2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Action is responsive to Applicant's Application filed February 19, 2004. Claims 1-31 are pending.

Information Disclosure Statement

2. Information Disclosure Statements filed June 4, 2004 is considered and corresponding PTO-1449 is electronically signed and attached.

Drawings

3. The drawings, filed February 19, 2004, are considered in compliance with 37 CFR 1.81 and accepted.

Claim Objections

4. Claim 22 is objected to because of the following informalities:

Claim 22 does not end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.1. As set forth in MPEP 2106 (II) (A):

The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519; 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

Apart from the utility requirement of 35 U.S.C. 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See Arrhythmia, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make the invention eligible for

patenting. For example, a claim directed to a word processing file stored on a disk may satisfy the utility requirement of 35 U.S.C. 101 since the information stored may have some "real world" value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 does not mean that a useful result is achieved under the practical application requirement. The claimed invention as a whole must produce a "useful, concrete and tangible" result to have a practical application.

5.2. Claims 1-31 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 1, the claimed invention represents a system for managing changes of journals comprising mechanism for **causing data structure to be** stored and a data structure **being operative** to restore a resource. It is noted that the steps are intentional and the intentional steps may not actually perform to produce concrete, tangible or useful results. The steps comprised in the system are abstract because no concrete, useful or tangible result ensued. However, a tangible, concrete and useful result is required in a practical application test. The consequence is non-statutory.

As per claims 10 and 14, the claimed invention represents a computer readable medium having computer executable components or being encoded with a data structure comprising resource mechanism and data structure description having **methods for** performing or **being configured to** perform some operations. It is noted the intentional operations do not by self produce tangible or useful results. However, a tangible, concrete and useful result is required in a practical application test. The consequence is non-statutory.

As per claim 21, the claimed invention describes a software architecture for

managing state changes comprising system or interface for supporting some operations. However, the architecture does not assert or establish utility or produce tangible or useful results. The software is abstract because no useful result ensued. However, a tangible, concrete and useful result is required in a practical application test. The consequence is non-statutory.

As per claim 29, the claimed invention represents a computer readable medium having computer executable instructions encoded for receiving a notification to add journal entry and adding the entry. However, the methodology is mere steps of receiving a notification for, and adding a data entry by which self does not produce useful result for a well-established utility. The methodology is thus abstract. However, a tangible, concrete and useful result is required in a practical application test. The consequence is non-statutory.

As per claims 2-9, 11-13, 15-20, 22-28 and 30-31, the claims inherit the deficiency of being non-statutory from claims 1, 10, 14 and 29, respectively, and do not remedy the deficiency individually or by inheritance. The consequence is non-statutory.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

6.1. A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.2. Claims 1-31 are rejected under 35 U.S.C. 102(e) as anticipated by Sayers et al. (U.S. Patent Application 2004/0205574, hereafter "Sayers").

As per claim 1, Sayers teaches "A system for managing changes in state of a navigation-based application" (See Page 2, [0021]-[0022] where documents agents serve as software agents and web-based accessible documents for managing web page changes), comprising:

"a journal engine for maintaining a journal, the journal being associated with a container that navigates to and hosts a resource" (See Fig. 2 and Page 2, [0025]-[0027] where a server is the engine with memory storage to manage and store document agents serving as journals for navigating to resource and hosting web page state, code and data), the resource including a mechanism for causing to be stored in the journal a journal entry that includes information about a change in state of the resource, the journal entry being operative to restore the resource to the state prior to the change" (See Figs. 2-3 and Page 2, [0025]-[0028] where the document agents at different stages containing different identifiable sets of updated information, including state, code and data are persistent stored in the memory storage, and the document agent remembers particular user in a sequence changed forms and resumes the user anytime).

As per claim 10, Sayers teaches "A computer-readable medium having computer executable components for managing changes in state of a navigation-based

application" (See Page 3, [0036] and Page 2, [0021]-[0022] where computer readable storage medium stored with instructions to perform steps, including enabling documents agents serving as software agents and web-based accessible documents for managing web page changes), comprising:

"a resource including a mechanism for altering a state of the resource from a first state to a second state" (See Fig. 3 and Pages 2-3, [0028] where forms are altered from one format to another by different users, persistently stored as different document agents and identifiably remembered); and

"a description of a journal entry having a method for restoring the resource from the first state to the second state, the method being further configured to create a second journal entry to undo the restoration of the resource from the first state to the second state" (See Fig. 3 and Pages 2-3, [0028] and [0037] where users are able to resume to their particular formats at a time when the form has advanced to a format beyond the earlier persistently stored, and further at Page 3-4, [0039]-[0040] where entry in message queue may be removed from processing document agent for skipping one stage and maintaining to an earlier one).

As per claim 14, Sayers teaches "A computer-readable medium encoded with a data structure, the data structure" (See Page 3, [0036] and Page 2, [0021]-[0022] where computer readable storage medium encoded with documents agents serving as software agents and web-based accessible documents for managing web page changes), comprising:

“a journal entry having a Replay method, the Replay method being configured to restore a resource from a first state to a second state, the Replay method being further configured to create a second journal entry to restore the resource from the second state to the first state” (See Fig. 3 and Pages 2-3, [0028] and [0037] where users are able to replay back to their particular formats at a time when the form, the original document agent, has advanced from one format to the next and are persistently stored, and further at Page 3-4, [0039]-[0040] where entry in message queue may be removed from processing document agent for skipping one stage and maintaining to an earlier one).

As per claim 21, Sayers teaches “A software architecture for managing changes in state of a navigation-based application” (See Fig. 3 and Pages 2-3, [0028] and [0037] where software architecture is provided for users to interact with documents agents which serve as software agents and web-based accessible documents for managing web page changes), comprising:

“an internal system that supports the maintenance of entries in a journal, the journal being operative to maintain state information related to navigations among resources in a navigation-based application” (See Figs. 2-3 and Pages 2-3, [0026]-[0028] where sequentially updated document agents, journals, are maintained and persistently and identifiably stored in a system comprising processing and storage capabilities); and

“a set of interfaces that support the inclusion of entries in the journal, the journal entries being related to non-navigation activity” (See Fig. 4 and Page 3, [0030]-[0032] where JSP bridge, client browser, messages and style sheets are the interfaces supporting the

maintenance of journals, document agents, and a set of agents are the web pages sequentially evolved from the same agent without a further step of navigation).

As per claim 29, Sayers teaches "A computer-readable medium encoded with computer-executable instructions" (See Page 3, [0036] and Page 2, [0021]-[0022] where computer readable storage medium stored with instructions to perform steps, including enabling documents agents serving as software agents and web-based accessible documents for managing web page changes), comprising:

"receiving a notification to add a journal entry to a journal, the journal entry being associated with a resource, the journal entry including sufficient information to restore the resource from a first state to a second state, the first state being associated with a first set of characteristics of the resource, the second state being associated with a second set of characteristics of the resource" (See Fig. 1, Pages 1-2, [0024]-[0025] where a get/post operation is a notification to JSP bridge to convert the operation to message for document agent to process or generate new agent, and at Figs. 2-3 and Page 2, [0025]-[0028] where the document agents at different stages containing different identifiable sets of updated information, including state, code and data are persistent stored in the memory storage, and the document agent remembers particular user in a sequence changed forms and resumes the user anytime, and the document agents serving as journals may host characteristics of the resource, such as web page state, code and data); and

“adding the journal entry to the journal” (See Fig. 1, Pages 1-2, [0024]-[0025] where a get/post operation is a notification to JSP bridge to convert the operation to message for document agent to process or generate new agent for storing persistently).

As per claim 2, Sayers teaches “the change in state of the resource is initiated by input from a user interacting with the resource” (See Fig. 3 and Pages 2-3, [0028] where users initiate changes to a form where changes are sequentially and persistently stored).

As per claim 3, Sayers teaches “the resource is associated with a navigation-based application” (See Page 2, [0021] where document agents are served and accessed as web pages).

As per claim 4, Sayers teaches “the navigation-based application comprises a plurality of resources and includes a mechanism for navigating among each of the plurality of resources” (See Fig. 3 and Pages 2-3, [0028] where sequentially generated document agents are the resources navigated by users).

As per claim 5, Sayers teaches “the navigation-based application is browser-hosted” (See Fig. 1 and Page 2, [0022] where the application is a web-centric world).

As per claim 6, Sayers teaches “the navigation-based application is stand-alone” (See Fig. 2 and Page 2, [0025]-[0027] where document agent application is server-resident).

As per claim 7, Sayers teaches “the journal entry includes a method that is configured to restore the resource to the state prior to the change” (See Fig. 3 and Pages 2-3, [0028] and [0037] where users are able to resume to their particular formats at a time when the form has advanced to a format beyond the earlier persistently stored, and further at Page 3-4, [0039]-[0040] where entry in message queue may be removed from processing document agent for skipping one stage and maintaining to an earlier one).

As per claim 8, Sayers teaches “the method is further configured to create a second journal entry operative to restore the resource to its state subsequent to the change” (See Fig. 3 and Pages 2-3, [0028] and [0037] where users are able to resume to their particular formats at a time when the form has advanced to a format beyond the earlier persistently stored, and further at Page 3-4, [0039]-[0040] where entry in message queue may be removed from processing document agent for skipping one stage and maintaining to an earlier one).

As per claim 9, Sayers teaches “the resource further includes a mechanism for altering the state of the resource” (See Figs. 2-3 and Page 2, [0025]-[0028] where the document agents at different stages containing different identifiable sets of updated information, including state, code and data are persistent stored in the memory storage,

and the document agent remembers particular user in a sequence changed forms and resumes the user anytime, and the document agents serving as journals may host characteristics of the resource, such as web page state, code and data).

As per claim 11, Sayers teaches “the resource is further configured to cause the journal entry to be added to a journal that includes information about navigations among a plurality of resources” (See Figs. 2-3 and Page 2, [0025]-[0028] where the document agents at different stages containing different identifiable sets of updated information, including state, code and data are persistent stored in the memory storage, and the document agent remembers particular user in a sequence changed forms and resumes the user anytime, and the document agents serving as journals may host characteristics of the resource, such as web page state, code and data).

As per claim 12, Sayers teaches “the resource is a component of the navigation-based application” (See Page 2, [0021] and [0025] where document agents are components of the application).

As per claim 13, Sayers teaches “the navigation-based application includes a plurality of resources that are hyperlinked together” (See Page 3 and Pages 2-3, [0028] where document agents are sequentially generated and linked which can be particularly remembered for user to resume).

As per claim 15, Sayers teaches "the resource comprises a component of a navigation-based application" (See Page 2, [0021] and [0025] where document agents are components of the application).

As per claim 16, Sayers teaches "the journal entry is configured to be added to a journal that includes information about navigations between resources of a navigation-based application" (See Fig. 3 and Pages 2-3, [0028] where sequentially generated document agents are the resources navigated by users).

As per claim 17, Sayers teaches "the journal is associated with a window of the navigation-based application" (See Page 2, [0021] where web-pages application suggests window is associated).

As per claim 18, Sayers teaches "the journal is associated with a session" (See Fig. 3 and Pages 2-3, [0028] where users each has own session of interacting with document journals).

As per claim 19, Sayers teaches "the session comprises a browser session" (See Fig. 3, Pages 2-3, [0021] and [0028] where user's session is interactive to document agents in a web-pages environment).

As per claim 20, Sayers teaches "the session comprises a lifetime of the navigation-based application" (See Page 2, [25 where document agents are stored persistently).

As per claim 22, Sayers teaches “the set of interfaces includes an AddEntry method for adding a journal entry to the journal” (See Fig. 4 and Page 3, [0030]-[0032] where JSP bridge, client browser, messages and style sheets are the interfaces supporting the generation of document agents, an operation of adding journals).

As per claim 23, Sayers teaches “the set of interfaces includes a RemoveEntry method for removing a journal entry from the journal” (See Page 3-4, [0039]-[0040] where entry in message queue may be removed from processing document agent for skipping one stage and maintaining to an earlier one).

As per claim 24, Sayers teaches “the RemoveEntry method is further configured to remove a journal entry from a Back stack portion of the journal” (See Page 3-4, [0039]-[0040] where entry in message queue may be removed from processing document agent for skipping one stage and maintaining to an earlier one).

As per claim 25, Sayers teaches “the set of interfaces is provided by a base class having a Name property that identifies a name of the journal entry in the journal” (See Figs. 2-3 and Pages 2-3, [0026]-[0028] where sequentially updated document agents, journals, are maintained and persistently and identifiably stored in a system comprising processing and storage capabilities).

As per claim 26, Sayers teaches “the set of interfaces is provided by a base class having a Replay method configured to restore a resource from a first state to a second state” (See Fig. 3 and Pages 2-3, [0028] and [0037] where users are able to replay back to their particular formats at a time when the form, the original document agent, has advanced from one format to the next and are persistently stored).

As per claim 27, Sayers teaches “The software architecture recited in claim 26, wherein the Replay method is further configured to create and return a second journal entry for inclusion in the journal” (See Fig. 3 and Pages 2-3, [0028] and [0037] where users are able to replay back to their particular formats at a time when the form, the original document agent, has advanced from one format to the next, and document agents are sequentially generated and persistently stored).

As per claim 28, Sayers teaches “the second journal entry is configured to restore the resource from the second state to the first state” (See Fig. 3 and Pages 2-3, [0028] and [0037] where users are able to resume to their particular formats at a time when the form has advanced to a format beyond the earlier persistently stored, and further at Page 3-4, [0039]-[0040] where entry in message queue may be removed from processing document agent for skipping one stage and maintaining to an earlier one).

As per claim 30, Sayers teaches “the journal entry further comprises a mechanism for restoring the resource from the second state to the first state” (See Fig. 3 and Pages 2-3, [0028] and [0037] where users are able to resume to their particular formats at a time

Art Unit: 2167

when the form has advanced to a format beyond the earlier persistently stored, and further at Page 3-4, [0039]-[0040] where entry in message queue may be removed from processing document agent for skipping one stage and maintaining to an earlier one).

As per claim 31, Sayers teaches "the mechanism is configured to create a second journal entry having sufficient information to restore the resource from the second state to the first state" (See Fig. 3 and Pages 2-3, [0028] and [0037] where users are able to resume to their particular formats at a time when the form has advanced to a format beyond the earlier persistently stored, and further at Page 3-4, [0039]-[0040] where entry in message queue may be removed from processing document agent for skipping one stage and maintaining to an earlier one).

Conclusion

7. The prior art made of record

A. U.S. Patent Application 2004/0205574

7.1 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B. U.S. Patent Application 2004/0133563

C. U.S. Patent Application 2004/0015483

D. U.S. Patent Application 2002/0075321

E. U.S. Patent Application 2003/0120762

F. U.S. Patent Application 2002/0016830

Contact Information

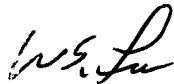
8. Any inquiry concerning this communication or earlier communications from the

Art Unit: 2167

examiner should be directed to Kuen S Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

Kuen S. Lu



Patent Examiner, Art Unit 2167

August 16, 2006